

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aurelio DE LOS SANTOS-Mendoza,

Defendant

Magistrate Docket No. 07-07 MJ 26-93

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

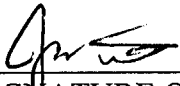
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **November 15, 2007**, within the Southern District of California, defendant, **Aurelio DE LOS SANTOS-Mendoza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **NOVEMBER**, **2007**.


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Aurelio DE LOS SANTOS-Mendoza**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:


On November 15, 2007, Border Patrol Agent J. Schneeberger was patrolling an area near Dulzura, California. At approximately 12:40 P.M. Agent Schneeberger was walking a foot trail one hundred yards north of State Route 94 and two miles east of the S.R. 94 Border Patrol Checkpoint. This area is located approximately ten miles east of the Otay Mesa, California, Port of Entry, and approximately five miles north of the International Border Boundary between Mexico and the United States. This is an area known as "Pringle Canyon" and it is commonly traveled by illegal aliens attempting to further their entry into the United States. It is a very remote area consisting of rugged terrain. After hiking in a dry creek bottom for approximately ten minutes Agent Schneeberger noticed some fresh looking sneaker prints on the trail and he began following them. Approximately five minutes later Agent Schneeberger saw five individuals hiding in a bush. As he approached the individuals they got up and began to run from him. After a brief foot chase, Agent Schneeberger was able to detain all five individuals. Agent Schneeberger identified himself as a United States Border Patrol Agent in both the English and Spanish languages.

Agent Schneeberger performed an immigration interview on each of the individuals, including one later identified as the defendant Aurelio DE LOS SANTOS-Mendoza. Each individual including the defendant stated that they had been born in Mexico and were citizens of Mexico. When asked if he possessed any valid U.S. Immigration documents allowing him to enter into or remain within the United States legally, the defendant stated he did not. Agent Schneeberger then asked the defendant if he crossed the U.S./Mexican border illegally and he stated "si". All subjects were arrested and transported to the United States Border Patrol Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 11, 2007, through San Ysidro California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he was born in Acapulco, Mexico and is a citizen of Mexico. The defendant said he is a citizen of Mexico by virtue of birth and has no legal immigration documents to allow him to enter or remain in the United States legally. The defendant then stated he had been deported from the United States previously to Tijuana, Mexico.

Executed on November 17, 2007 at 9:30 a.m.


Ismael A. Canto
Senior Patrol Agent

CONTINUATION OF COMPLAINT:


Aurelio DE LOS SANTOS-Mendoza

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on November 15, 2007, in violation of Title 8, United States Code, Section 1326.



Jan M. Adler

United States Magistrate Judge


Date/Time